

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Vermilion Cliffs National
Monument

NEPA No.: DOI-BLM-AZ-A020-2014-0002-CX
Case File No.: N/A

Proposed Action Title/Type: Vermilion Cliffs National Monument Bat Community Evaluation

Applicants: Friends of the Cliffs and Grand Canyon Trust

Location of Proposed Action: Acoustic monitoring stations would be placed at 28 points which were selected to coincide with an ongoing songbird study across the Paria Plateau within Vermilion Cliffs National Monument (Map 1). No more than 20 stations would be in operation at one time.

Description of Proposed Action: The Friends of the Cliffs and Grand Canyon Trust propose to develop key foundational datasets describing the composition of bat communities across Vermilion Cliffs National Monument (VCNM) using acoustic surveys. These data would meet key baseline information needs on the Monument's bat communities and would provide information for future research including habitat mapping and biodiversity "hotspot" mapping. Most importantly, the project would provide specific, current information to the Bureau of Land Management (BLM) and its partners for making more informed decisions to better protect and monitor bat species within VCNM.

The acoustic surveys would utilize eight stationary and up to twelve mobile acoustic sampling devices (including the Anabat II bat detector) co-located with ongoing bird survey points (Map 1). The stationary units would be located across a broad elevational gradient and operated year-round for the duration of the project (through March 2015) to provide a temporally complete picture of bat communities within VCNM. An additional twelve mobile units, operated from spring through fall, would also be located with songbird survey points to provide additional spatial coverage and leverage existing vegetation information. A research permit would be required to authorize all operations described within this Proposed Action.

Each of the eight stationary units would be installed on a standard metal fence t-post at a height of 3 to 4 feet. Each unit would consist of the acoustic sampling device, a case that would enclose the recording equipment, and a small solar panel (Figure 1). On-site installation time for the stationary units would be less than one hour. Each stationary unit would be checked once a month to replace memory cards. Access to each site would be by vehicle along designated routes to a location near the site then on foot to the setup location.

The twelve mobile units would be installed on tripods and include the acoustic sampling device and recording equipment (Figure 2). The tripod feet would be secured to the ground using tent stakes. On-site installation time for the mobile units would be about 20 minutes. Each unit would be checked once a month to change batteries and memory cards. Access to each site would be by vehicle along designated routes to a location near the site then on foot to the setup location.

One stationary and five of the proposed mobile monitoring stations would be located within areas managed to maintain wilderness characteristics, on the eastern end of the Paria Plateau.

PART II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan: Vermilion Cliffs National Monument Resource Management Plan (RMP)

Decisions: The proposed action is in conformance with the following RMP decisions:

DFC-SR-01. Approved scientific research will contribute to management of natural and cultural resources and achieving DFCs.

MA-SR-01. Permits will be required for approved scientific research to ensure compatibility and reporting of results.

MA-WC-04. New projects or maintenance of existing projects that enhance wildlife habitat or other resources can be allowed, provided they can be designed to be substantially unnoticeable over time.

As demonstrated in Decision no. MA-WC-04, wildlife management projects can be allowed in areas managed to maintain wilderness characteristics so long as they are substantially unnoticeable over time. The small size and unobtrusive nature of the proposed acoustic monitoring stations would provide for bat monitoring while being unnoticeable within these areas that are managed for naturalness, solitude and primitive and unconfined recreation.

In addition, the proposed action does not conflict with other decisions contained within the VCNM RMP.

Date plan approved/amended: January 29, 2008

This proposed action has been reviewed for conformance with the plan (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, [Appendix 4: J. Other

(3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff must review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence must be included in the appropriate block.

PART IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION		
REVIEWERS:		DATE:
Gloria Benson, Tribal Liaison		6/23/2014
Diana Hawks, Recreation/Wilderness/VRM		6/3/2014
Laurie Ford, Lands/Realty/Minerals		6/9/2014
Jeff Young, Wildlife/T&E Wildlife		6/16/2014
John Herron, Cultural		6/2/2014
Jace Lambeth, Special Status Plants		6/10/2014
Ray Klein, GCPNM Supervisory Ranger		6/2/2014
Whit Bunting, Range/Vegetation/Weeds/S&G		6/4/2014
Richard Spotts, Environmental Coordinator		6/5/2014
John Sims, Supervisory Law Enforcement		6/23/2014 – No response received
Shawn Langston, Wildlife/Project Lead		6/23/2014
Lorraine Christian, Arizona Strip Field Office Manager		6/16/2014 & 6/23/2014
Kevin Wright, VCNM Manager		6/3/2014
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes	No X	Rationale: The Proposed Action is very small in scale and would not require the use of machinery, materials, or chemicals that would reasonably be considered hazardous to the public. No impacts to public health or safety are anticipated. <div style="text-align: right;">Preparer's Initials <u>SML</u></div>

<p>(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</p>		
Yes	No X	<p>Rationale: The installation and monthly monitoring of 8 stationary and up to 12 mobile acoustic sampling devices across the Paria Plateau would have no significant impacts on recreation or areas managed for wilderness characteristics. One proposed stationary and 5 mobile monitoring stations are proposed within areas managed to maintain wilderness characteristics on the eastern end of the Paria Plateau. Decisions in the VCNM RMP provide for wildlife management projects and are allowed in these areas so long as they are substantially unnoticeable over time. The small size and unobtrusive nature of these acoustic monitoring stations would provide for bat monitoring while being unnoticeable within the areas managed for naturalness, solitude and primitive and unconfined recreation. All proposed monitoring locations are outside designated wilderness and there are no wild and scenic river segments on the plateau.</p> <p style="text-align: right;">Preparer's Initials <u> DCH </u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No X	<p>Rationale: This type of project has not been controversial in the past. No conflicts with other resources are expected.</p> <p style="text-align: right;">Preparer's Initials <u> SML </u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No X	<p>Rationale: Similar projects have occurred numerous times in the past with no significant environmental effects. Thus, no highly uncertain or unique/unknown environmental risks are anticipated.</p> <p style="text-align: right;">Preparer's Initials <u> SML </u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No X	<p>Rationale: The Proposed Action would not be precedent-setting because it is considered a routine, non-invasive research project.</p> <p style="text-align: right;">Preparer's Initials <u> SML </u></p>
<p>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p>		
Yes	No X	<p>Rationale: The Proposed Action is very small in scale and is not anticipated to have cumulatively significant environmental effects when added to other past, present, or reasonably foreseeable actions in the area.</p> <p style="text-align: right;">Preparer's Initials <u> SML </u></p>

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: None of these properties are present in the Project Area. <div style="text-align: right;">Preparer's Initials <u>JH</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	Rationale: The California condor is the only listed species potentially found in the area. The Proposed Action would have no effect on condors because it would not alter habitat components or limit food sources important to this species. Any potential disturbance to condors would be limited due to mitigation measures included in the Mitigation Measures section of this CX (Part V). No designated Critical Habitat is present within the Project Area. <div style="text-align: right;">Preparer's Initials <u>SML</u> <u>JY</u></div>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: The Proposed Action would be in compliance with all laws. <div style="text-align: right;">Preparer's Initials <u>RK</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: Low income or minority populations are not present in or near the Project Area and would therefore not be affected by the Proposed Action. <div style="text-align: right;">Preparer's Initials <u>SML</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	Rationale: The Proposed Action would not involve the closure of or limit access to any areas, and would not impact access to public lands, including for ceremonial use. <div style="text-align: right;">Preparer's Initials <u>SML</u></div>

(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes	No X	Rationale: The Proposed Action would create no new ground disturbance that would allow for the establishment of noxious weeds. Preparer's Initials <u>WB</u>
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PART V. – COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS:

1. Any surface, or sub-surface archaeological, historical, or paleontological remains discovered and not covered in the Cultural Resource Protection Record (CRPR) during project work would be left intact; all work in the area would stop immediately and the Field Office Manager (435-688-3323) shall be notified immediately. Commencement of work would be allowed upon the okay of the Field Office Manager in consultation with the archaeologist.
2. If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony – as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, work would stop in the immediate area of the discovery, the remains and objects would be protected, and the Field Office Manager immediately notified. The immediate area of the discovery would be avoided and protected until notification by the Field Office Manager that operations may resume.
3. Stationary T-posts would not be placed in archaeological sites.
4. Each project site would be cleaned up at the end of each day that work is being conducted (e.g., trash removed, scrap materials picked up) to minimize the likelihood of condors visiting the site.
5. No project activities would be performed during periods when roads are too wet to adequately support vehicles. Most roads on the Paria Plateau are very sandy and often provide more support when wet. However, on other types of roads, if vehicles create ruts in excess of three inches deep, roads shall be deemed too wet to adequately support vehicular activities.

APPROVING OFFICIAL: Signed by _____ DATE: 6/27/2014 _____
NAME: Lorraine M. Christian
TITLE: Arizona Strip Field Office Manager

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.

Map 1.

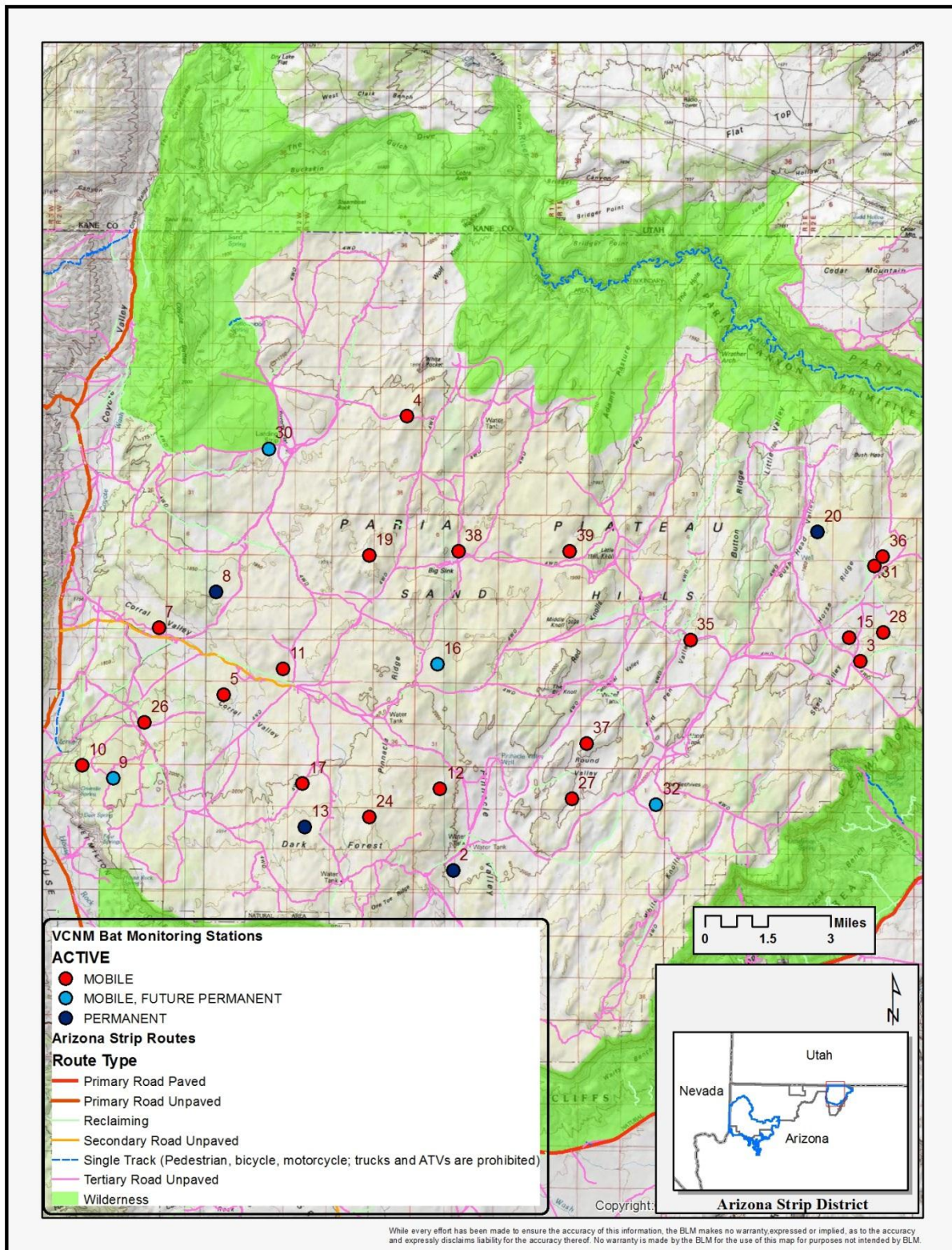




Figure 1. Stationary Acoustic Monitoring Device.



Figure 2. Mobile Acoustic Monitoring Device.

DECISION MEMORANDUM
VERMILION CLIFFS NATIONAL MONUMENT BAT COMMUNITY
EVALUATION
DOI-BLM-AZ-A020-2014-0002-CX

U.S. Department of the Interior
Bureau of Land Management
Vermilion Cliffs National Monument

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and staff recommendations, I have determined that the project is in conformance with the Vermilion Cliffs National Monument Resource Management Plan (approved 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations/mitigation measures in an effort to minimize impacts of the proposed action to social and natural environmental resources.

1. Any surface, or sub-surface archaeological, historical, or paleontological remains discovered and not covered in the Cultural Resource Protection Record (CRPR) during project work will be left intact; all work in the area will stop immediately and the Field Office Manager (435-688-3323) shall be notified immediately. Commencement of work will be allowed upon the okay of the Field Office Manager in consultation with the archaeologist.
2. If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony – as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, work will stop in the immediate area of the discovery, the remains and objects will be protected, and the Field Office Manager immediately notified. The immediate area of the discovery will be avoided and protected until notification by the Field Office Manager that operations may resume.
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Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Vermilion Cliffs National Mounument, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

____ Signed by _____ Date: ____ 6/27/2014 ____
Name: Lorraine M. Christian
Title: Arizona Strip Field Office Manager

Attachment: Form 1842-1